

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION**

STEVEN VERONA, MYGALLONS LLC, AND	)	
ZENACON LLC,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.
v.	)	7:09-cv-00057-BR
	)	
U.S. BANCORP, U.S. BANK VOYAGER FLEET	)	
SYSTEMS INC., and K.E. AUSTIN CORP.,	)	
	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S BILL OF COSTS**

Pursuant to Federal Rule of Civil Procedure 54 and Local Civil Rule 54.1, Plaintiff MyGallons LLC (“Plaintiff”), by and through its counsel of record, respectfully submits this Memorandum in Support of its Bill of Costs.

**I. PROCEDURAL HISTORY**

On August 22, 2008, Plaintiffs Steven Verona, MyGallons LLC and Zenacon LLC commenced this action (the “Action”) in the United States District Court for the Eastern District of Pennsylvania. In response to K.E. Austin Corp.’s motion to dismiss or in the alternative to transfer venue, on February 23, 2009, Judge Goldberg transferred venue to the Eastern District of North Carolina. On March 29, 2011, the Court ruled on the parties’ cross-motions for summary judgment and set a trial date of October 3, 2011. After the Court heard motions on October 3, 2011, trial commenced on October 4, 2011. On October 18, 2011, the jury returned its verdict and the Court entered judgment (the “Judgment”) in the Action. The Judgment ordered,

adjudged and decreed that Plaintiff is entitled to recover from defendants Voyager Fleet Systems, Inc. and U.S. Bancorp \$4,000,000.00 plus interest at the legal rate.<sup>1</sup>

## **II. EVIDENTIARY SUPPORT FOR PLAINTIFFS' BILL OF COSTS**

Federal Rule of Civil Procedure 54 and Local Civil Rule 54.1 authorize the prevailing party in an action to recover its costs as a matter of course. On October 18, 2011, the jury returned its verdict in favor of Plaintiff and the Court ordered, adjudged and decreed that Plaintiff is entitled to recover from defendants Voyager Fleet Systems, Inc. and U.S. Bancorp \$4,000,000.00 plus interest at the legal rate. Plaintiff contemporaneously files herewith its Bill of Costs (attached hereto as Exhibit 1) and the Declaration of Douglas M. Risen in Support of Plaintiff's Bill of Costs (attached hereto as Exhibit 2).

As this evidentiary support shows, Plaintiff incurred the following taxable and recoverable costs:

### **SERVICE COSTS**

<b>PARTY</b>	<b>COST</b>
Summons and Complaint, K.E. Austin Corporation, U.S. Bancorp, U.S. Bank Voyager Fleet Systems	495.00
Subpoena, Oil Price Information Service	85.00
Subpoena, Better Business Bureau of Southeast Florida and The Caribbean	165.00
Subpoena, Regan Hutton	185.00
Subpoena, Chrysler Group LLC	235.00
Subpoena, Pricelock, Inc.	165.00
Subpoena, Prepaid Media, LLC	165.00
Subpoena, The Miami Herald Media Co.	165.00
Subpoena, The Los Angeles Times	165.00
Subpoena, Bridget Carey	165.00

<sup>1</sup> The legal rate is 10% simple interest from the filing of the Complaint (8/22/08) through payment. *See* M.S.A. § 549.09(c) (2).

Subpoena, Better Business Bureau of Southeast Florida and the Caribbean	165.00
Subpoena, Rochelle Broder Singer	165.00
Subpoena, Elizabeth Douglas	165.00
Subpoena, Pricelock, Inc.	165.00
<b>Total</b>	<b>\$2,650</b>

The invoices reflecting these service costs are attached hereto as Exhibit 3.

#### **DEPOSITION REPORTERS' FEES AND ORIGINAL TRANSCRIPT COSTS**

<b>DEPONENT</b>	<b>COST</b>
Edgar Ang	895.00
Carol Barkley	1,089.30
Teri Charest	753.00
James Dorroll	476.70
Robert Fell	270.70
James Feneis and Melody Wigdahl	843.55
George Hawkins	602.00
Regan Hutton	669.90
Kenneth Kral	1,137.20
Aaron Loveridge	423.60
Anca Micu	524.50
Jeffrey Miller	406.50
Robert Racusin	839.50
Stephen Schork	1,260.00
Paul Seitz	1,025.00
Eric Stebel	1,107.20
Steven Verona	2,574.50
<b>Total</b>	<b>\$14,898.15</b>

The invoices for these reporters' fees and original deposition transcript costs are attached hereto as Exhibit 4.

### PRINTING/COPYING COSTS

COST	AMOUNT
Reproduction Costs	6,893.70
Reproduction Costs - Printing	2,300.90
Reproduction Costs - Scanning	100.05
<b>Total</b>	<b>\$9,294.65</b>

The accounting records reflecting these printing/copying costs are attached hereto as Exhibit 5.

### TRIAL TRANSCRIPT

Plaintiff has been advised by the court reporters that the trial transcript will not be ready for some time. Plaintiff hereby reserves the right to later amend its Bill of Costs to reflect the cost of the trial transcript, in accordance with Local Civil Rule 54.1(c)(1)(d).

Based on the above, Plaintiff respectfully requests that the Court award it taxable and recoverable costs in the total amount of **\$26,842.80** against Defendants U.S. Bancorp and Voyager Fleet Systems, Inc., jointly and severally.

RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of November, 2011.

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**CERTIFICATE OF SERVICE**

I, Jacob M. Polakoff, hereby certify that on November 1, 2011, I caused copies of Memorandum in Support of Plaintiff's Bill of Costs to be served via the CM/ECF System on:

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**Counsel for Defendants U.S. Bancorp  
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/s/ Jacob M. Polakoff